

Mr. Speaker, there are other valid reasons why Congress should increase the power of the Federal Government to take civil action in cases where violations of civil rights are involved, rather than leave it entirely to individuals to seek their own remedies at civil law. These reasons involve the very essence of the ideal of equality before the law.

The forces of segregation are powerfully organized among the general populace and the political and legal officialdom of certain States. Many individuals whose rights are abridged lack the financial means to sustain the heavy expenses of litigation. Some victims of unlawful discrimination are unfamiliar with the complex legal implications and the elaborate procedures involved in undertaking the enforcement of their rights. And those inclined to seek remedial action may be restrained from doing so by the prospect of losing their jobs or of being subjected to other severe pressures and reprisals from segregationists within their communities.

In recent years the National Association for the Advanced of Colored People has been in the vanguard of those who have fought for civil rights in our courts of justice. But now five States have adopted antibarratry laws which prohibit the support of lawsuits by persons or organizations not having a direct interest in the action. Another weapon used against the NAACP is the requirement by statute, legislative investigation, or court order that its membership lists be disclosed to the public. In places dominated by strong segregationist opinion, this practice has precipitated a sharp decline in the membership and revenue of the NAACP.

Such regulations hinder the actions of organizations like the NAACP which have provided legal counsel, financial aid, and moral support to advancing the cause of minority groups. This lack of equality before the law for many Americans is a compelling reason for strengthening the hand of the Attorney General in the enforcement of civil rights.

The enactment of legislation to give the Federal Government civil remedies in civil rights cases would not create any new civil rights; it would only strengthen the enforcement of existing rights under the Constitution. Such laws would not confer any essentially new and untried powers on the Federal Government. For over 60 years the Department of Justice has had experience in the use of civil procedures in antitrust litigation. The last Congress gave it this authority in cases where voting rights are violated. At this session the power of the Attorney General should be extended to enable him to seek injunctive remedies at civil law for violations of any and all constitutionally guaranteed civil rights.

The Supreme Court has ruled that desegregation of the public schools should proceed with "all deliberate speed." While this is a reasonable mandate, there must be no deliberate lagging. Congress has the legal right and the moral obligation to enact appropriate legislation to enforce equal protection of the laws for all Americans.

If the Department of Justice is given the authority which many of my col-

leagues and I support, the Federal Government could initiate legal action to compel recalcitrant local authorities to end segregation and racial discrimination in public schools. However, in addition, a more positive inducement should be provided for school districts confronted with the order to integrate. In the last Congress I, together with other Members of the House and Senate, sponsored legislation which, if enacted, would offer strong incentives to segregated school systems for complying with the law of the land. I urge favorable action on this legislation at this session.

According to this proposal the resources of the Department of Health, Education, and Welfare would be used to advise and counsel school districts on their problems. Provision would be made whereby this Department can consult with community representatives, and, with their advice, formulate concrete plans for desegregation. Federal grants for the employment of additional teachers, teacher training, and the expansion of school facilities would be permitted for communities which take positive measures to end school segregation. Then if the local authorities refused to put these plans into effect, the Department of Justice could institute the proper procedures at civil law to enforce compliance.

This plan to encourage integration of the public schools, this proposal to implement the law of the land, would not interfere with the rights of States to provide for their own systems of education. The States would remain completely free to work out integrated school systems of their own choosing. The selection of teachers and the specification of curriculums, administrative regulations, and other educational policies would continue to be determined by the States. No decision of the Supreme Court has ever suggested otherwise. What has been clearly affirmed is the principle that a State violates the Constitution when it denies to a qualified Negro child his right to be admitted to a particular public school. The school decision is permanent. The legal conflict over integration of the public schools has been clearly and unmistakably settled.

There are other civil rights under the 14th amendment which the Attorney General should be empowered to enforce by civil procedures. In 1956 a Federal district court ruled that the school decision had destroyed the separate but equal doctrine. The Court ruled that "statutes and ordinances requiring segregation of the white and colored races on motorbuses of a common carrier violate the due process and equal protection of the law" clauses of the 14th amendment. The Supreme Court later upheld this decision. Court decisions have consistently ruled that racial segregation in public recreation facilities is a violation of the 14th amendment. The Federal district courts have ruled that segregation in public housing is a denial of equal protection of the laws.

The right of our racial minorities to use unsegregated public facilities has been declared by the courts to be the law of the land. Now it is incumbent on Congress to give the Attorney General

the authority to vindicate these rights which the Constitution guarantees to all of our citizens regardless of their race or social and economic status. The moral conscience of the Nation cannot rest until all civil rights are made effective for all Americans.

HR 2330

PROPOSED OFFICE OF U.S. BUDGET IN THE LEGISLATIVE BRANCH

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. Flood] is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, I have introduced in the House today a bill to be known as the Budget Act of 1959.

There is no one question at the present time more important to the general welfare than the unbridled practice of the Bureau of the Budget continuing its unconstitutional encroachment upon the jurisdiction of the Congress.

Resentment to this conduct on the part of the present Bureau of the Budget as it is constituted in the executive branch, has generated widespread hostility among the responsible press and fiscal legislative authorities concerned with constitutional processes.

It is my earnest hope that the proper committee to which this bill is assigned will schedule the bill for immediate hearings. There will be no bill before such committee of greater importance to the fiscal stability of the Nation.

The result in effect of this bill will be, as it should be, a congressional budget. As a matter of legislative and historical background, prior to the adoption of the present executive budget concept in 1921, congressional consideration of budget requests was based on information contained in estimates from the individual departments.

This bill, in substance, would abolish the present Budget Bureau in the executive branch and substitute for it the Office of the U.S. Budget in the legislative branch.

Even though the bill requires the submission of a balanced budget, there would, of course, be no prohibition against the Congress enacting whatever appropriations or tax measures it deems necessary in the public interest.

The manner in which the present Bureau of the Budget has superimposed itself as a policymaking dictator over the entire Government, strikes at the very heart of our system of government, and simply can no longer be tolerated by a responsible legislature.

Mr. Speaker, there is hardly a Member of Congress who has served here any reasonable period of time, who cannot recite for you and give you chapter and verse of flagrant violations of the spirit, purpose, and intent of the Congress when the executive budget concept was born in 1921.

The Bureau of the Budget has tortured this concept almost out of existence and flouts such fundamental precepts of democracy and our constitutional philosophy of government, that this bill is now an immediate necessity.

I could recite a veritable library of details, statistics, incidents, and more par-

ticularly in the last 5 years, to justify this position. If I could bring the substance of these matters to the attention of every Member of this House, I venture to say, this bill would pass by unanimous consent.

Mr. Speaker, I urge careful study of the essential features of this proposed "Budget Act of 1959." The bill embodies the following salient features:

First. It would create an Office of the United States Budget in the legislative branch of the Government.

Second. It would abolish the Bureau of the Budget and provide that the Commissioner-General of the Budget, in the legislative branch would prepare and submit the annual budget to Congress.

Third. It would require the Commissioner-General to submit a balanced budget—expenditure estimates could not exceed revenues as estimated and certified annually to the Commissioner-General by the Committee on Ways and Means of the House.

Fourth. To assist him in preparation of the budget, it would require the departments and agencies of Government to submit their budgetary requests to the Commissioner General. He would have authority to reduce or eliminate any item submitted by a department.

Fifth. The Commissioner General would not be permitted to include in the budget any appropriation estimate not submitted to him by the executive departments.

Sixth. The Commissioner General would be authorized to make such investigations and reports as might be ordered by either House of Congress or by the Committees on Appropriation of either House.

Seventh. While the bill would do away with the present Executive budget concept, it would not in any way prohibit the President from making recommendations to the Congress with respect to the budget and with respect to the fiscal operations and policies of the Government.

Eighth. It would abolish the present Bureau of the Budget and designate that office as an Office of Executive Management.

Ninth. The bill further provides that once Congress has appropriated, the head of the department, rather than the Director of the Budget, shall apportion and allocate the moneys. The Commissioner General would be required to monitor the apportionment of moneys to assure that they accorded with the intent of the Congress and to report instances of apportionments at variance with such intent.

Tenth. The bill devotes several pages to prescribing the conditions of employment, tenure, independence, and so forth of the Commissioner General so as to insulate him from pressures and to assure his complete independence of action in formulating and submitting the budget to the Congress.

INCHON OPERATION: DECISIVE BATTLE IN WORLD HISTORY

The SPEAKER pro tempore. Under previous order of the House, the gentle-

man from Texas [Mr. THOMPSON] is recognized for 30 minutes.

Mr. THOMPSON of Texas. Mr. Speaker, among the great privileges of being a Member of the Congress is the opportunity to enjoy notable programs in the Nation's capitol and, on occasion, to make known their lessons to the country by means of publication in the CONGRESSIONAL RECORD.

One such event was a comprehensive, illustrated presentation on December 1, 1950, on the Inchon Operation of the Korean War at the Cosmos Club of Washington, D.C., by Brig. Gen. V. H. Krulak, U.S.M.C., now commandant of the Marine Corps Schools at Quantico, Va.

The Cosmos Club is composed of men distinguished in the fields of literature, arts, science, learned professions, and public service. The assembly on that occasion included many qualified as critics, significantly high officers of the armed services with war experience.

In addition to his specialized training as a soldier of the sea, General Krulak possesses the unique qualifications gained as a participant in the planning of the crucial amphibious operation and as an observer of its execution. Thus, his address, brilliantly delivered, made a profound impression, emphasizing again the urgent need for more of our experienced, professional officers to write military and naval history.

Because of the value of having General Krulak's contribution in the permanent annals of the Congress, especially to historians, editors, writers, and all others interested in studying historic achievement as represented by the Inchon victory, under leave accorded to extend my remarks at this point in the RECORD, I quote its full text:

THE INCHON OPERATION

(Address by Brig. Gen. V. H. Krulak, U.S.M.C., to the Cosmos Club, Washington, D.C.)

I. INTRODUCTION

The Cosmos Club deserves to be addressed by scientists as well as by historians—people whose knowledge is acquired through deep study; people who are quite without bias. I fear that I do not qualify in either particular. My information on Inchon comes not from deep study, but largely from personal observation, and I am certainly not without bias. So, I must ask you to discount what you hear accordingly.

Beginning at the threshold of recorded history, and continuing on through the ages, there has been a succession of battles—land battles, and sea battles—which have one distinguishing characteristic in common.

None of them could possibly have happened. Nevertheless, all of them did happen and, in each case, the history of the world was significantly influenced as a result.

The battle we are going to discuss this evening is one more of this unique group.

Inchon could not possibly have happened either. It was too complicated, too unconventional, too hazardous.

But it did happen; and it is my purpose tonight to recount something of how Inchon came about since its dramatic success is far overshadowed by the fact that it happened at all.

II. HOW DID INCHON COME ABOUT?

A battle, like a tree, develops from a seed. It is nourished, grows, and finally bears its fruit. The seed of Inchon was planted on the 25th of June, 1950 when the North

Korean Peoples' Army drove south across the 38th parallel. That Army numbered about 100,000 men, half of whom were hard veterans of the Chinese Civil War. They were well equipped with Russian arms, and they were trained for offensive operations aimed specifically at the total subjugation of all Korea.

This Red Korean force was faced by a Republic of Korea Army of somewhat smaller size, one far less lavishly equipped—and, we must confess, in a lesser state of training.

Thus it was, that when the Red Korean Army poured across the 38th parallel it met with heroic but weak opposition, and it rolled rapidly southward down the main communication routes.

Two days later, the United Nations indicated North Korea as an aggressor. Our country responded promptly and attacked the advancing Red forces by air, using the Navy's Task Force 77 and the Far East Air Force. These forces swept the skies clear of Red planes, destroying at once the whole of the then existing 100 plane North Korean Air Force. But our actions really did little to stop the southward movement of the Communists.

On June 29, General MacArthur made the first of a series of prophetic statements—a statement which forecast accurately the design of the Korean conflict, and really planted the Inchon seed. He advised his superiors that air alone would not stop the Reds. He said that ground forces would be required; and, with the approval of higher authority, he flew into Korea one battalion of U.S. troops from the 8th Army in Japan.

Inchon was mentioned formally on the 4th of July—10 days after the aggression began—at a time when the valiant though outgunned ROK forces were being decimated; at a time when the United States had only 1 lightly armed battalion of soldiers on the Korean Peninsula.

The hard fact is that we were in full retreat—being defeated. Yet, in the midst of this grim news, General MacArthur, in a conference, made an electrifying observation—one which disclosed the breadth of his vision. He announced that the solution to the Korean problem would necessarily involve two steps; a stabilization of the front (we didn't even have a front); and a vigorous blow to cut the roads and railroads in the enemy's rear, and he placed his finger directly on Inchon as the decisive point for counteraction. Inchon, he pointed out, was the port of the capital city, Seoul. It was within a few miles of the main north-south rail line and the biggest airfield in Korea. It was the ideal target.

Six days later, at another conference in Tokyo, General MacArthur reaffirmed that the only chance of stopping the aggression would be to strike it in the rear and soon—all this at a time when our retreat was continuing at an ever increasing rate—when our very ability to remain on the Korean peninsula at all was in doubt.

At that time, General MacArthur spoke at length of the amphibious character of the counterstroke which he had in mind, and observed that what he would like more than anything else was a Marine division to do the job.

Lieutenant General Shepherd, who commanded all the Marines in the Pacific at the time, was present at that conference. It is evident now, in retrospect, that he was making history when he promptly volunteered the troops. He told General MacArthur that he had the division, and a supporting aircraft wing as well, and all that was needed was to bring them up to war strength. He did not annoy the General with the detail that the two units were only at about 30 percent of their war strength. Instead he urged General MacArthur to send a message requesting the services of the 1st